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REMARKS

Claim 1 has been amended. Claims 1 – 5 are pending in this Application.

Reconsideration and further examination is respectfully requested.

Specification

The disclosure was objected to because of informalities. Accordingly, the Brief Description of the Drawings has been amended to accurately refer to Figures 8A, 8B, 18A, 18B, 33A, and 33B. Also, the description has been amended to refer to Figures 18A and 18B, and Figures 33A and 33B.

Claim Objections

Claim 1 was objected to because of an informality. Claim 1 has been amended to correct the cited informality.

Claims Rejections – 35 USC § 102

Claims 1 and 5 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,493,694 to Vlcek et al. ("Vlcek"). This rejection is respectfully traversed.

The Applicants' exemplary claim 1 sets forth:

"A method for use in an access point in a wireless communications environment including multiple access points and stations, wherein stations gain network access by associating with one or more of the access points, comprising:

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collecting bid messages from stations, each bid message including a parameter related to the distance between the access point and the station, sending an accept message to one of the stations from which a bid message was received, the accept message for causing the station to associate with the access point."

The Applicants' inventive method allows access points in a wireless network to select stations for association based, in part, on their distance from the access point. Vlcek, in contrast, discloses a vehicle response system. The Office Action contends that the distance "d" of Vlcek represents the distance between a vehicle and the central station. This is incorrect. The distance "d" of Vlcek represents the distance from the vehicle to an "incident site", not the central station. (Vlcek col. 7 lines 46 - 47.) Vlcek thus fails to teach or suggest the Applicants' claimed method including the step of "collecting bid messages from stations, each bid message including a parameter related to the distance between the access point and the station". The Applicants therefore respectfully request that this rejection be withdrawn.

Claims Rejections - 35 USC § 103

Claims 1 and 3 - 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2004/0054767 A1 by Karaoguz et al. (hereinafter "Karaoguz"). This rejection is respectfully traversed.

In order to establish a prima facie obviousness rejection, the reference(s) must teach or suggest all the claimed elements. The Applicants respectfully assert that Karaoguz fails to do so.

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Karaoguz describes a network configuration device (central server 401) for interacting with access points (410a-c). The Office Action characterizes the "range message" from the AP of Karaoguz as a bid message, and the "range acknowledgement" message from a wireless device as an accept message. The Applicants disagree with this characterization.

The range acknowledgement message of Karaoguz may be sent from a wireless device to an AP - not from the AP to the device, as claimed. The Applicants disagree with the Office Action's contention that to change the source of this message is obvious. But furthermore, even if one adopts this untenable view, the range acknowledgement message still cannot be characterized as the claimed accept message. The range acknowledgement message of Karaoguz contains various information about a wireless device (Karaoguz col. 3 par. 36). The AP uses the range acknowledgement message to determine the distance range of the wireless device (par 38) in order to send configuration information to the server - and that is all. (par. 38, par. 43.) The range acknowledgement message does not cause the station to associate with the access point.

The Office Action points to par. 36, where it is stated that, after receiving a range message signal, the wireless device can process the received message, and can "determine whether or not to further establish communication with the access point". Note that here, the wireless device is acting indirectly, possibly in response to a range message or what the Office Action has characterized as a bid message - not an accept message, as claimed. Note also that the range message acknowledgement signal is described in paragraph 36 as an "alternative" to action by the wireless device based on the range message. Again, the range message acknowledgement signal is not used to cause association of the wireless device with the AP. Rather, it is used by the AP to

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send network configuration information to the server. Karaoguz thus clearly fails to teach or suggest the Applicants' claimed step of "sending an accept message to one of the stations from which a bid message was received, the accept message for causing the station to associate with the access point". The Applicant therefore respectfully asserts that claim 1, its dependent claims 3 - 4, and claim and 5 are in condition for allowance.

Claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over Karaoguz in view of U.S. Patent No. 6,266,537 to Kashitani et al. ("Kashitani"). This rejection is respectfully traversed. Claim 2 depends from claim 1. Kashitani discloses a wireless network using polling. Kashitani adds nothing further to Karaoguz that would teach or suggest the Applicants' claimed bid and accept messages. The Applicants therefore respectfully assert that claim 2 is allowable for the reasons set forth with regard to claim 1.

Respectfully Submitted,



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